IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16974 of 2007(U)

I.A.No.789/07 IN RCP.26/2005 of RENT CONTROL COURT (MUNSIFF COURT), TIRUR
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PETITIONER:

P.ALIKUTTY, S/O.KADER HAJI,
PULLIYANKODATH HOUSE, THRIKKANAPURAM,
KADAKASSERY, PONNANI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS:
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1. V.P.ABDULLAKUTTY @ ABDU HAJI, S/O.KUNJAN HAJI, P.O.KUTTIPURAM, TIRUR TALUK, MALAPPURAM DISTRICT.

2. P.ABDUL NAZAR, S/O.KUNHAVU HAJI, PULIYANKODATH, THRIKKANAPURAM, KADAKASSERY, PONNANI TALUK, MALAPPURAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C)No.16974 OF 2007

Dated 4th June, 2007

JUDGMENT

Koshy,J.

Petitioner is the second respondent in the Rent Control Petition No.26/05 of the Rent Control Court, Tirur. The rent control petition was filed under Sections 11(2), 11 (3), 11(4)(i) and 11(8) of Act 2 of 1995. Commission report was filed which was later set aside. Thereupon, another commission was appointed at the request of the petitioner. The second report was filed in October, 2006 and objection was filed on 15.10.2006 in the above report. Thereafter, evidence started in the main rent control petition in 2007. The petitioner filed another I.A. on 29.5.2007 for examining the commissioner. That was rejected as the evidence in this case was already started. Petitioner (landlord) was examined in part and adjourned to 28.5.2007 and on that day examination was completed. Respondents' evidence was posted to 29.5.2007. The Commission report and plan were already marked. We are of the view that the application for examining the Commissioner is belated to delay the proceedings. In any event, commission report is only a piece of evidence. Petitioner is free to prove his contentions by other evidence also. Further, we are of the view that it is not proper for

this court to interfere in each and every interim orders of courts below. If the petitioner is aggrieved in the final order, it is for the petitioner to file an appeal and take up all his contentions including this contention in the appeal. Without prejudice to that, this writ petition is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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